

## **ORDINANCE NO. 2015-27**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING NEWPORT BEACH MUNICIPAL CODE SECTION 1.16.050 REGARDING THE USE OF THE OFFICIAL SEAL OF THE CITY OF NEWPORT BEACH**

**WHEREAS**, Newport Beach Municipal Code Chapter 1.16 establishes an official seal for the City of Newport Beach ("City");

**WHEREAS**, the City uses the official seal to, among other purposes, authenticate official documents and in the regular course and scope of official business; and

**WHEREAS**, the City desires to amend the existing regulations within the Newport Beach Municipal Code to remove potential ambiguity regarding use of the official seal by third-parties.

**NOW THEREFORE**, the City Council of the City of Newport Beach ordains as follows:

**Section 1:** Section 1.16.050 of the Newport Beach Municipal Code is hereby amended to read as follows:

#### **1.16.050 Use of the Official Seal.**

A. The official seal of the City of Newport Beach shall only be used for the official business of the City of Newport Beach, its City Council, boards and commissions, committees, officers or departments, except upon approval of the City Council by ordinance or resolution. Except as expressly provided herein, no person, other than the City of Newport Beach, shall reproduce, use, allow to be used, give away, sell, or distribute the official seal of the City of Newport Beach.

B. As used herein, the term "official seal of the City of Newport Beach" shall mean: (1) the seal defined in Chapter 1.16 as well as any design which is an imitation of said seal or of the design thereof, or which may be mistaken for the seal of this City or the design thereof; and (2) any cut, facsimile, or reproduction of said seal.

C. As used herein, "use" of the official seal of the City of Newport Beach shall include the depiction of the official seal of the City of Newport Beach in any picture, photograph, or visual representation, whether it is a direct depiction of the seal or the seal is included in the background.

D. As used herein, the term "official business" shall include: official communications that reflect a position or policy of the City Council; the placement of the City seal on City owned/leased property, City uniforms or City signs; communications from City employees related to matters which the employees are working on for the City; and communications that do not set forth a position or policy of the City such as proclamations, constituent services, thank you cards and letters of condolence. As used herein, the term "official business" shall not include any of the following uses: commercial; or non-commercial including, but not limited to, non-profit, malicious, political, including, but not limited to, the support of or opposition to any person seeking an elected office or any ballot measure, religious, educational, fundraising, personal or secular.

**Section 2:** The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

**Section 3:** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared invalid or unconstitutional.

**Section 4:** The City Council finds the introduction and adoption of this ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**Section 5:** Except as expressly modified in this ordinance, all other Sections, Subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

**Section 6:** The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance to be published pursuant to City Charter Section 414, and it shall be effective thirty (30) days after its adoption.

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This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 11<sup>th</sup> day of August, 2015, and adopted on the 8<sup>th</sup> day of September, 2015, by the following vote, to-wit:

AYES, COUNCILMEMBERS \_\_\_\_\_

NOES, COUNCILMEMBERS \_\_\_\_\_

ABSENT COUNCILMEMBERS \_\_\_\_\_

\_\_\_\_\_  
EDWARD D. SELICH, MAYOR

**ATTEST:**

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LEILANI I. BROWN, CITY CLERK

**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE

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AARON C. HARP, CITY ATTORNEY